

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

DELBERT LENARD JOHNSON,)	
)	
Petitioner,)	
)	
vs.)	No. CIV-11-379-C
)	
ROBERT B. EZELL, Warden,)	
)	
Respondent.)	

ORDER ADOPTING REPORT AND RECOMMENDATION

Petitioner, a state prisoner, proceeding pro se, filed a Petition for Habeas Corpus relief pursuant to 28 U.S.C. § 2254 challenging his state court convictions on various grounds. Consistent with the provisions of 28 U.S.C. § 636(b)(1)(B), the case was referred to United States Magistrate Judge Robert E. Bacharach. Judge Bacharach entered a Report and Recommendation (“R&R”) on December 20, 2011.

In his R&R, Judge Bacharach found that Petitioner had failed to raise any claim entitling him to relief. In his Objection, Petitioner raises only general claims of error. Even read liberally, Petitioner’s Objection raises a specific objection only to two points in the R&R. According to Petitioner, Judge Bacharach failed to properly consider his arguments and erred in resolving his request for relief premised on cumulative error and/or violation of the Oklahoma Speedy Trial Act.

The substantive facts and law are accurately set out in Judge Bacharach’s R&R and there is no purpose to be served in repeating them yet again. In his Objection, Petitioner fails to address the deferential standard and does not demonstrate that the matters he challenges

in this habeas action were decided in a manner that was contrary to or an unreasonable application of Supreme Court law.

Two issues raised in Petitioner's Objection warrant brief comment – the claims of cumulative error and violation of the Oklahoma Speedy Trial Act. Contrary to Petitioner's argument, he has not demonstrated an entitlement to relief based on cumulative error. Judge Bacharach carefully and fully set forth the applicable law and applied the facts raised by Petitioner to that law. The undersigned has considered the issues anew in light of Petitioner's Objection and finds no error in the R&R's reasoning or conclusions. The same is true as to Petitioner's arguments for violation of the Oklahoma Speedy Trial Act. Judge Bacharach thoroughly dissected each instance of delay, applied the appropriate balancing test, and determined that no relief was warranted. The Court on *de novo* review finds no error.

As set forth more fully herein, the Court adopts, in full, the Report and Recommendation of the Magistrate Judge (Dkt. No. 19), and the Petition for Writ of Habeas Corpus is denied. Petitioner's request for an evidentiary hearing is likewise denied. A separate judgment will issue.

IT IS SO ORDERED this 17th day of February, 2012.



ROBIN J. CAUTHRON
United States District Judge